

## UNITED STATES DISTRICT COURT

for the  
Southern District of OhioFILED  
RICHARD W. NAGEL  
CLERK OF COURT

10/18/23

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

20 Elmore Street, Trotwood, Ohio

Case No.

3:23-mj-435

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST. DIV. DAYTON

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC s. 922(g)(1)/924(a)(2)	felon in possession of ammunition

The application is based on these facts:

See Attached Affidavit of Nicholas A. Graziosi

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Nicholas A. Graziosi*  
Applicant's Signature

Nicholas A. Graziosi, SA of the FBI  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by reliable electronic means.  
Particularly by telephone.

Date: 10/18/23

City and state: Dayton, Ohio

*Peter B. Silvain, Jr.*  
Peter B. Silvain, Jr.  
United States Magistrate Judge



## **AFFIDAVIT**

I, Nicholas A. Graziosi, being first duly sworn, hereby depose and state as follows:

### **INTRODUCTION**

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been since March 2017. I am currently assigned to the FBI Cincinnati Division's Southern Ohio Safe Street Task Force ("SOSSTF") operating out of the Dayton Resident Agency. Since 2017, I received training and experience in interviewing and interrogation techniques; arrest, search and seizure procedures; narcotics investigations; and various other criminal investigations resulting in successful prosecution. I have investigated the commission of federal crimes involving criminal offenses, to include violent incident crimes, drug trafficking, firearm violations, and fugitive violations. In the course of these duties, I have participated in numerous federal search and arrest operations and conducted associated interviews which have resulted in the collection of evidence and admissions of criminal violations. I am aware that it is a violation of Title 18, United States Code, Sections 1073, for a person to move or travel in interstate or foreign commerce with intent either to avoid prosecution under the laws of the place from which he flees, for a crime punishable by death or which is a felony under the laws of the place from which the fugitive flees. I am also aware that it is a violation of Title 18, United States Code Sections 922(g), for a convicted felon to knowingly possess a firearm or ammunition.

## **II.**

### **PURPOSE OF AFFIDAVIT**

2. This Affidavit is submitted in support of a warrant to search the following location- namely, **20 Elmore Street, Trotwood, Ohio 45426**, a property more fully described in Attachment A hereto – for the person of ANTHONY SMITH SR., a federal fugitive, who is identified more fully in Attachment B. The information contained in this Affidavit is largely based upon an

investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the above-described violations.

### III.

#### **SUMMARY OF PROBABLE CAUSE**

3. The United States is conducting a criminal investigation of SMITH arising from his killing of a Trotwood, Ohio resident with a firearm. As detailed more fully below, at the time of this homicide, SMITH also was a felon in possession of ammunition in violation of federal law. SMITH currently is a fugitive from state and federal charges.

4. On May 30, 2022, Trotwood Police Department and EMS crews responded to the location of 617 N. Sherry Dr. in the city of Trotwood for reports of a homicide. Arriving on scene Trotwood Police discovered a victim, identified herein by the initials B.D., laying unresponsive on the front yard of 617 N. Sherry Dr. with apparent gunshot wounds. B.D. was declared deceased at the scene. As detailed more fully below, law enforcement identified SMITH as the person who killed B.D. Specifically:

a. After law enforcement responded to the scene and concluded that B.D. had been shot, they canvassed the neighborhood for homes with recording devices and discovered two residences nearby that had video footage of the events surrounding the shooting of B.D. Law enforcement reviewed the video and audio footage, and it captured SMITH and B.D. engaging in a verbal exchange. At some point, SMITH pulled a handgun from his pocket and pointed it at B.D. SMITH then fired the handgun multiple times at B.D., and B.D. fell to the ground. After briefly stumbling, SMITH approached B.D. and struck B.D. in the head with the handgun. SMITH then fired more rounds into B.D. SMITH then walked toward 20 Elmore Street – the residence where he lived.

b. Investigators collected evidence from the crime scene, including ammunition – namely, shell casings and at least one live round – that discharged from SMITH’s firearm. An ATF Special Agent with expertise in the origin of ammunition inspected one or more of these items and concluded that the ammunition was not manufactured in Ohio. The ammunition therefore crossed a state line to reach SMITH in Ohio.

c. Investigators spoke with B.D.’s sister and identified a possible motive for the shooting. B.D.’s sister advised that her family owned 20 Elmore Street but that SMITH lived there with his family for several years on a land contract. During that time, SMITH failed to fulfill his end of the land contract and had fallen behind on payments for 20 Elmore Street. The decedent, B.D., filed a lawsuit against SMITH concerning the property; the lawsuit created tension with SMITH. After the filing of the lawsuit, SMITH began walking in front of and through the front yard of B.D.’s family members. While out at social events, SMITH would confront B.D.’s family members and repeatedly ask why B.D. was taking him to court and attempting to evict him from 20 Elmore Street. Based on SMITH’s behavior, B.D. installed cameras on the family’s duplex in the Trotwood area. According to B.D.’s sister, on the day of the shooting, B.D. had been preparing for a party outside of the family’s duplex.

5. Law enforcement reviewed SMITH’s criminal history and learned that, during 2001, SMITH was convicted in the Montgomery County, Ohio, Court of Common pleas for felonious assault (deadly weapon). SMITH was sentenced to two years of imprisonment in that case and therefore knew that he had been convicted of a crime punishable by a term of imprisonment exceeding one year.

6. Based on this prior state conviction and SMITH’s possession on or about May 30, 2022. of ammunition that moved in interstate commerce, I submit that, on that date, he was a felon in possession of ammunition in violation of state law. On or about October 13, 2023, this Court

authorized the issuance of a criminal complaint and arrest warrant for SMITH concerning these charges. This arrest warrant remains active.

7. Law enforcement retraced SMITH's movements and activities following the shooting through a review of surveillance footage and cellular telephone records. For instance, shortly after the shooting on May 30, 2022, toll records indicate that SMITH's cellular telephone contacted a cellular telephone ending in 2546 that belonged to Shiricka Lawson, who was an girlfriend and mother of some of his children (hereinafter, "the Lawson Phone 1"). The call lasted 4 minutes. SMITH's cellular telephone then contacted a cellular telephone ending in 6233 that belonged to Jacqua Turner, SMITH's current girlfriend and mother of his additional children ("Turner Phone 1"). Based on surveillance footage from a retail establishment, Turner was at a Walmart in the Dayton, Ohio area when she received this call, which lasted approximately 2 minutes. The same video footage soon captured SMITH arriving at the Walmart, meeting with Turner, and entering her vehicle. The duo then drove away. Cellular telephone records for SMITH's number showed his movements for a brief time following their departure from the Walmart, including along roads in Columbus, Springfield, and West Chester, Ohio. SMITH ultimately turned off his phone some time on May 30, 2022, ending the records for it. On May 31, 2022, law enforcement spoke with Turner, and she denied having had contact with SMITH following the shooting.

8. Between May 30, 2022, and June 1, 2022, law enforcement executed a series of search warrants in the Dayton, Ohio area in an effort to locate evidence concerning the homicide of B.D. SMITH's sister, Dujuna Roebuck, arrived at several of the search scenes and interacted with police. On each occasion, Roebuck denied having any contact with her brother following the homicide. Law enforcement reviewed records for Roebuck's cellular telephone number ending in 7577 ("Roebuck Phone") and learned that, on May 30, 2022, around the time of SMITH's and

Turner's interactions at the Walmart, the Turner Phone 1 was in contact with the Roebuck Phone. Moreover, as documented in records concerning the location of the Roebuck Phone, between June 3, 2022 and June 6, 2022, it travelled from Ohio through West Virginia to southern New Jersey near the Pennsylvania border and then promptly made the same trip in reverse. Law enforcement learned that SMITH has a paternal uncle in southern New Jersey and suspect that Roebuck may have transported SMITH to that state or otherwise provided him aid there.

9. Law enforcement obtained financial records from Wright Patterson Credit Union concerning bank accounts associated with SMITH and Lawson. In the months following the shooting, records reflected multiple money transfers from SMITH's account to Lawson's account; on multiple occasions, Lawson then made cash withdrawals from her account. Based on my training and experience, this pattern of activity appears consistent with an individual attempting to move money out of the bank system in the form of cash so that any expenditures would become difficult to trace. I know that fugitives, such as SMITH, prefer to deal in cash to avoid detection and to refrain from leaving a trail of their whereabouts.

10. On or about September 20, 2023, FBI National Threat Operations Center (NTOC) received a tip concerning SMITH from a known person who provided their name to law enforcement and who is identified herein as Individual A. Individual A, who was an attorney, indicated that she represented a financial institution in a foreclosure action that it had filed against 20 Elmore Street as well as SMITH. (As noted above, 20 Elmore Street was the location where SMITH lived at the time of the homicide). During the pendency of the proceedings, an attorney who represented SMITH contacted Individual A and advised that SMITH had found a buyer for 20 Elmore Street. SMITH's attorney advised that SMITH planned to sell (and close on) the property on September 26, 2023.

11. On or about October 11, 2023, Individual A contacted me and advised that a man identifying himself as SMITH had called Individual A's firm that day at approximately 12:30 p.m. Calling from cellular telephone number 937-210-4411 (hereinafter, the "Target Cellular Device"), SMITH spoke to Individual A's assistant; representing himself as SMITH, SMITH asked for Individual A who was unavailable at the time. SMITH ended the call.

12. Through the review of various records as detailed more fully below, law enforcement believes that, consistent with the call to Individual A's law firm, SMITH is currently using and in possession of the Target Cellular Device. Specifically, this telephone number began frequent contacts with SMITH's relatives in the weeks and months following the shooting. For instance:

13. Through subpoenas, law enforcement identified a Cash App account associated with Turner, SMITH's girlfriend and the mother of some of his children. On or about December 2022, Turner's Cash App account listed a transaction between Turner's Cash App account and a Cash App account with the display name "Sherita Copes." This transaction included a message stating, "call me asap @ 2104411." It is unclear based upon the records whether the message was sent from Turner's Cash App account to "Sherita Copes" or whether Cash App account with display name "Sherita Copes" sent the message to Turner's Cash App account. On or about June 2023, Turner's Cash App listed another message, this time between Turner's Cash App account and a Cash App account with the display name "Michael Carter." This transaction included a message stating, "Call me asap 2104411." Both messages provided the last 7 digits of the Target Cellular Device. Based on my training and experience, I know that fugitives commonly use fictitious names when dealing with relatives to avoid detection.

14. Law enforcement reviewed records concerning the Roebuck Phone. (As noted above, Roebuck is SMITH's sister). Between June 7, 2022 (the day after Roebuck returned from

her brief trip to southern New Jersey) and June 19, 2023, the Target Cellular Device had consistent contact with the Roebuck Phone. The Roebuck Phone dropped during July 2023. Given the timing of when the Target Cellular Device first appeared on the Roebuck Phone call logs and the frequency of contacts between them, these circumstances further link the Target Cellular Device to SMITH.

15. Law enforcement learned that SMITH had a son, identified herein as A.S.J., and through telephone records, identified A.S.J. cellular telephone number ending in 5626. A review of toll records confirmed 2,150 contacts between A.S.J.'s cellular telephone number and the Target Cellular Device between June 17, 2022, and September 12, 2023.

16. On October 15, 2023, law enforcement obtained search warrants for location information – both prospective and historical location information for the Target Cellular Device, as well as authorization to install and use a pen register and trap and trace device for the Target Cellular Device. A review of the information revealed that the Target Cellular Device utilized International Mobile Subscriber Identity Number 310240310806111.

17. As of October 15, 2023, at approximately 12:32 p.m., the Target Cellular Device was reporting its location in the area of Trotwood, Ohio, specifically in the area of Elmore and W. Sherry Drive, Trotwood, Ohio. The location data provided an approximate radius of 0.7 to 0.8 miles. 20 Elmore Street, Trotwood, Ohio falls within that radius. As noted above, 20 Elmore Street was the primary residence of SMITH at the time of the murder. The Target Cellular Device has been reporting its location in the same area around 20 Elmore Street since October 15, 2023, up to and including the present.

18. According to information from a court-authorized pen register/trap and trace device, the Target Cellular Device placed and received several calls between October 15, 2023, and the present. Notably, the Target Cellular Device placed an outgoing call on October 16, 2023, at



approximately 1:10 a.m., to telephone number ending in 5821. This number was queried through a law enforcement database and found to be associated with Shiricka Lawson, who as mentioned above, was an girlfriend and mother of some of SMITH's children (hereinafter, "the Lawson Phone 2"). The Target Cellular Device placed another outgoing call to the Lawson Phone 2 on October 16, 2023, at approximately 2:00 a.m.

19. On October 16, 2023, law enforcement conducted a spot check at 20 Elmore Street, Trotwood, Ohio, at approximately 10:30 a.m. Observed at the residence were two vehicles, being a white truck and a red truck, parked in the backyard of the residence. These vehicles have been observed on several prior spot checks. The vehicles appeared to be broken down and parked in the same location as observed on prior spot checks.

20. On October 16, 2023, at approximately 12:30 p.m., law enforcement initiated surveillance at 20 Elmore Street, Trotwood, Ohio. Surveillance units observed the same two vehicles, being the white truck and red truck, parked in the back yard. At this time, and throughout the duration of the surveillance, the Target Cellular Device was reporting its location in the vicinity of 20 Elmore Street. At approximately 1:50 p.m., surveillance units observed a silver Nissan Van. The van matched the make, model, and physical description to a silver Nissan Van, bearing Ohio registration number JLA2899, registered to Shiricka Lawson. Surveillance units observed an adult female exit the driver's side of the vehicle. The driver physical characteristics matched the physical characteristics of Shiricka Lawson. Also observed exiting the vehicle was another adult female and several small children. These people entered 20 Elmore Street.

21. Prior to the above described van arriving at 20 Elmore Street, on October 16, 2023, at approximately 1:41 p.m., the Target Cellular Device received an incoming call from the Lawson Phone 2. Additionally, the Target Cellular Device placed an outgoing call to telephone number ending in 1697. Investigators previously identified this number as being utilized by Jacqua Turner.

As mentioned above, SMITH's current girlfriend and mother of his additional children is Jacqua Turner (hereinafter, "Turner Phone 2"). Based upon the investigation, Jacqua Turner's primary residence is 20 Elmore Street.

22. On October 16, 2023, at approximately 7:21 p.m., the Target Cellular Device received a text from telephone number ending in 7570. A law enforcement database search, and open source search, for telephone number ending in 7570 resolved to a Worrell Reid. A review of civil court records, specifically civil case No. 2023VC00687 -- which involved litigation surrounding 20 Elmore Street -- revealed that Worrell Reid was an attorney representing SMITH in that matter.

23. On October 17, 2023, at approximately 2:00 p.m., an analysis of location records provided by T-Mobile revealed the Target Cellular Device was reporting its location at 20 Elmore Street, Dayton, Ohio. A review of records in and around this time, being the time that the Target Cellular Device was reporting its location at 20 Elmore Street, revealed that the Target Cellular Device had the following contacts with known associates of SMITH:

- a. At approximately 10:54 a.m., the Target Cellular Device answered an incoming call from the Lawson Phone 2.
- b. At approximately 12:08 p.m., the Target Cellular Device placed an outgoing call to, and was answered by, telephone number ending in 8291. A law enforcement database search for telephone number resolved to Quentis Harris. A review of SMITH's Facebook account revealed that SMITH and Harris were listed as "friends." The phone ending in 8291 will hereinafter be referred to as the "Harris Phone."
- c. At approximately 1:45 p.m., the Target Cellular Device answered an incoming call from the Lawson Phone 2.

- d. At approximately 3:05 p.m., the Target Cellular Device placed and outgoing call to, and was answered by, the Lawson Phone 2.
- e. At approximately 3:18 p.m., the Target Cellular Device answered an incoming call from the Lawson Phone 2.
- f. At approximately 3:43 p.m., the Target Cellular Device answered an incoming call from the Turner Phone 2.
- g. At approximately 4:33 p.m., the Target Cellular Device placed an outgoing call to, and was answered by, the Turner Phone 2.

24. Based upon the investigation and records obtained, there is probable cause to believe that SMITH is currently using the Target Cellular Device. As recently as within the last seven days, an individual identifying himself as SMITH used the Target Cellular Device to contact a law firm involved with his former residence. In the months following the May 2022 homicide, the Target Cellular Device began to have sustained, frequent contacts with SMITH's relatives. The Target Cellular Device has no known subscriber information – a common tactic fugitives use to avoid apprehension. Based on pen register/trap and trace data, the Target Cellular Device has had frequent recent contacts with close associates of SMITH. Given the totality of these circumstances, there is probable cause to believe that SMITH has possession of, and is actively using, the Target Cellular Device. Additionally, analysis of phone location records provided by T-Mobile confirm that the Target Cellular Device has been located at 20 Elmore Street, Trotwood, Ohio.

25. Based on the foregoing, there is probable cause to believe that SMITH is currently located at 20 Elmore Street, Trotwood, Ohio 45426. SMITH has historically been associated with this property – living there at the time of the May 2022 shooting. As detailed above, this property is currently involved in litigation in state court; SMITH, in fact, is named a

party to those proceedings and is represented by attorney Worrell A. Reid in that case. A known associate of SMITH's – namely, his girlfriend, Turner – also resides at the 20 Elmore Street. In short, SMITH has historical fiscal, financial and familial ties to this location. In conjunction with this historical data, current information continues to link SMITH presently to 20 Elmore Street. As detailed above, the usage patterns of and known contacts with the Target Cellular Device are indicative of SMITH using that cellular telephone. Within the last several days, the Target Cellular Device has had contact with the mothers of SMITH's children, a known friend of SMITH, as well as SMITH's attorney in the civil litigation surrounding 20 Elmore Street. Real-time location information has placed that cellular device at 20 Elmore Street continuously over the past several days. Based on the foregoing, I submit that there is probable cause the SMITH is currently at 20 Elmore Street and in possession of the Target Cellular Device at that location. As such, I respectfully request that the Court issue a warrant to search **20 Elmore Street, Trotwood, Ohio 45426** for SMITH, a person subject to arrest on a federal search warrant.

Respectfully submitted,

*Nicholas A. Graziosi*

Nicholas A. Graziosi  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
On: 10/18/23

  
Peter B. Silvain, Jr.  
United States Magistrate Judge



## ATTACHMENT A

### *Description of Premises to Be Searched*

#### **The premises known as:**

A. **20 Elmore Street, Trotwood, Ohio 45426**, including all rooms, attics, basements, surrounding grounds, curtilage, storage areas, outbuildings and vehicles of any kind located in or on the premises. **20 Elmore Street, Trotwood, Ohio 45426**, is a two-story single-family residence located on the east side of the street with a front door facing Elmore Street. The residence is constructed of light-colored brick with a brown shingled roof. The residence has four (4) white columns on the front of the house and black shutters. The residence has a black front door with the number “20” displayed above the front door.





**ATTACHMENT B**

Anthony E. Smith, Sr., aka “Taterhead”

DOB: 04/14/1982

SSN: 294-78-6537

Height: ~ 5’11”

Weight: ~ 215 lbs.

